

RULE III

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3.01—NOTICE OF EXAMINATIONS

Policy Statement: A central listing of all Examination Notices shall be maintained in the Office of Personnel Administration. Said listing shall be accessible to individuals with disabilities, including individuals with a hearing or vision impairment. Notice of the listing shall be advertised in a section of the newspaper that sets forth the procedure with at least a ten (10) days notice of such advertisement and/or receipt of document notifying applicant of date of examination

3.011

ANNOUNCEMENT - The Personnel Administrator shall prepare official announcements for open competitive and promotional examinations which shall include the following information:

3.0111

The title, salary range, and a brief statement of the duties to be

performed in the class to be examined.

3.0112

The opening and closing date of the application period and place(s) where applications may be obtained.

3.0113

The relative weights assigned to the various phases of the examination.

3.0114

The minimum required final earned rating.

3.0115

The requirements as to residence and citizenship.

3.0116

That accommodations will be made in the examination process for those individuals having handicaps which would affect their ability to participate in the examination process.

3.012

PUBLICATION - The official announcement of all examinations shall be posted in the Office of Personnel Administration. Official announcements of promotional examinations shall be posted in all state agencies if the examination is statewide or in the department to which the examination is limited. Official announcements of open competitive examinations shall be published in at least one daily newspaper published in Rhode Island, and maybe forwarded for publication to:

3.0121

Other daily newspapers published in Rhode Island.

3.0122

Radio and television stations.

3.0123

Members of the Rhode Island legislature.

3.0124

The Rhode Island State Employment Service.

3.0125

Any other appropriate officials or groups who have requested such notification.

3.02

APPLICATION FOR EXAMINATIONS

3.021

All applications for examinations shall be made on forms prescribed by the Personnel Administrator and shall constitute an integral part of every examination. On such forms the Personnel Administrator may require information as to the education, training and experience of the applicant and such other information as (s)he may deem pertinent. The Personnel Administrator may require any applicant, for any

examination, to submit documented proof of the possession of any license, certificate, degree or other qualification claimed or required by law or these rules and may refuse credit for such claimed or required qualification in the absence of such proof. Claims made by applicants relative to citizenship, residence, preference as a war veteran or disabled war veteran, age, education, experience, or other evidence of eligibility or qualification shall be subject to verification, by authentic proof thereof, under such regulations as the Personnel Administrator may prescribe, and credit for such claims may be denied in the absence of such proof. No application may be accepted after the close of the announced filing period, except that the Director may order the acceptance of any application or information supplementary thereto received after the close of such period and at least seven calendar days prior to the administration of the first phase of the examination. This period shall be called the "grace period".

3.03

DISQUALIFICATION OF APPLICANTS

3.031

The Personnel Administrator may deny admission to examination to any applicant, if the information contained in said application conclusively shows that the applicant has failed to present evidence that (s)he possesses sufficient qualifications to warrant examination, as set forth in the specifications for the class of position(s).

3.032

Information as to education and experience submitted in such application and subject to verification as provided in subsection 3.021 of this Rule shall be the major factor upon which the Personnel Administrator may reject or accept the application of any applicant for admission to examination.

3.033

After an application has been filed, and the grace period has ended, no supplementary statement, explanation or additional claim of qualification may be accepted or considered in any appeal from denial of admission to the examination or from any examination ratings; except that the Personnel Administrator may request from the applicant or any other source such information as (s)he deems necessary to clarify or verify statements on claims appearing in the original application and may accept all of such information or such part as (s)he deems appropriate as part of the original application. Nothing in this rule shall be interpreted, however, to require the Personnel Administrator to request such information, nor shall his/her failure to do so constitute a grievance in any instance.

3.034

The Personnel Administrator may reject the application of any person for admission to an examination, may refuse to examine an applicant; or after examination, may remove his/her name from the promotional and/or employment list, or may refuse to certify for appointment; or, following certification, may withdraw the certification of any eligible:

3.0341

Who is physically or mentally so disabled as to be incapable of proper performance of the required duties;

3.0342

Who is addicted to the use of narcotics or excessive use of intoxicating liquor;

3.0343

Who has been found guilty of any infamous or notoriously disgraceful conduct;

3.0344

Who has been dismissed from the state service for delinquency, misconduct or other similar cause;

3.0345

Who has made false statement of material fact in his/her application;

3.0346

Whose conduct during an examination is deemed to be improper;

3.0347

Who has otherwise violated the Act and these Rules

3.0348

Who falsifies or deceives the Office of Personnel Administration on material fact in the examination application process or misrepresents a person in the competitive or non competitive branch shall result in disqualification from examination and all other examinations for a period of 6 months. Subsequent offenses as outlined above shall carry further penalty barring applicants from examination for a period not to exceed one year or may include removal of employee from state service subject to hearing.

3.035

Any person who feels aggrieved by a decision of the Personnel Administrator under this section may appeal to the Administrator of Adjudication and to the Personnel Appeal Board under the procedure defined in Titles 36-4-40 and 36-4-41 of the General Laws of 1956, as amended, subject to such law and the Personnel Rules adopted thereunder.

3.04

CONDUCT OF EXAMINATIONS - Policy Statement Appointing

Authorities or their duly authorized representatives shall be granted, at their request, the privilege of reviewing proposed examination material to assure a proper relationship between the examination and the classes of position(s) to be covered by the resulting list(s).

3.041

The Personnel Administrator shall make all reasonable effort to preserve the anonymity of candidates. The use of identification numbers instead of names on all test papers shall be required.

3.042

When an employment or promotional list is established, each candidate shall be notified by mail of his/her relative position on the employment or promotional list or his/her failure to attain a place on said list.

3.043

If the Personnel Administrator is of the opinion that the conditions under which any examination was held were not such as to be fair to the candidates, the Personnel Administrator may order that the completed examination or any part thereof be cancelled and that a new examination be held.

3.044

Whenever two or more competitors have equal final earned ratings, their names shall be arranged on employment or promotional lists in the order of their performances in the written tests; provided, however, that when such arrangement fails to resolve a tie, the order on the lists shall be the same as the order in which their applications were time-stamped in the Office of Personnel Administration, or by seniority within the state service. Where practical, determination by seniority shall have preference.

3.045

A manifest error in any examination, if called to the attention of the Personnel Administrator within ten calendar days after the establishment of a list resulting from such examination, shall be corrected by him/her. Person(s) affected by such correction shall be notified by mail.

3.046

Candidates are required to indicate their availability for certification on the form provided for said purpose at the time of the examination and are required to immediately inform the Office of Personnel Administration in writing of any change of availability.

3.05

REVIEW OF EXAMINATIONS

3.051

Any examinee, or his/her authorized representative, shall be permitted to review the test papers of said examinee, and the score assigned thereto, under the following conditions:

3.0511

All phases of the examination must have been completed and the list or lists established therefrom.

3.0512

Written request for such review must be made to the Personnel Administrator by the examinee or his/her authorized representative within five calendar days after the mailing of the official NOTICE OF EXAMINATION RESULTS of said examination to him/her by said Personnel Administrator.

3.0513

Such review shall be permitted only in the Office of Personnel Administration, during business hours, in the presence of a person designated by the Personnel Administrator to assist in the review and to safeguard official records from addition, deletion, or other alteration.

3.06

APPEAL FROM RESULTS OF EXAMINATIONS

3.061

Within five calendar days after the review of an examination, as provided for in the previous section, or within ten calendar days after the mailing of the results of an examination to said examinee by the Personnel Administrator, whichever date is later, an examinee who considers himself/herself aggrieved by such results may file with the Administrator of Adjudication an appeal from the score assigned him/her in said examination and be heard at reasonable length thereon. Such appeal shall be in writing and shall include a detailed statement of the item(s) of the examination to which exception is taken by said examinee.

3.062

Any changes in lists resulting from procedures outlined in the above or following sections shall not invalidate any certification or appointment previously made from said lists.

3.063

Any person who feels aggrieved by a decision of the Personnel Administrator as a result of such appeal may further appeal to the Administrator of Adjudication and to the Personnel Appeal Board under procedure defined in Titles 36-4-40 and 36-4-41 of the General Laws of 1956, as amended.

3.07

PROMOTIONAL EXAMINATIONS AND ADDITIONAL POINTS

3.071

Promotional examinations shall be conducted in the same manner as open competitive examinations subject to the following conditions per 36-4-22. A person is eligible for promotional examinations provided the employee is currently employed in the classified, unclassified and nonclassified service as of the official closing date of the examination announcement or twenty-one (21) calendar days prior to the administration of the first phase of the examination, whichever is later, and meets one or more of the following requirements: (a) any employee who holds or within three (3) years has held permanent status in the classified service; or (b) any employee who is serving in a probationary period as of the official closing date of the examination announcement; or (c) any employee who has served twelve (12) months service in the classified unclassified or nonclassified service. In addition meets the minimum requirements established in the class specifications. Promotion lists shall remain in effect for a period of three (3) years or until exhausted or until combined with or replaced by a more recently prepared list. (d) This section shall not apply to the Rhode Island State Police.

3.0711

An employee who is not otherwise eligible above shall be eligible to take the promotional examination for the position the employee occupies.

3.072

Whenever the Personnel Administrator shall deem the best interest of the state to be served thereby, (s)he may conduct Promotional Examinations on an agency basis, in which case admission to such examination(s) shall be restricted to candidates who meet the foregoing requirements and whose employment requirements shall be met through service in the agency(s) designated in the ANNOUNCEMENT.

3.073

A state employee who holds temporary or provisional status for at least twelve (12) consecutive months in the classification for which the examination is announced shall be eligible for additional points, provided the employee has met the twelve (12) consecutive months of service requirement prior to the administration of the first phase of the examination.

3.0731

The first phase of the examination shall be defined as follows: In the case of any one hundred percent (100%) written examination or when a written examination component is included in combination with another examination method,

the final date for qualifying for bonus points shall be considered the date of the administration of the written examination or written component; in the case of examinations consisting of one hundred percent (100%) oral ratings, the final date for qualifying for bonus points shall be considered the administration of the first oral examination by the oral panel; in the case of examinations which have one hundred percent (100%) education and experience ratings, the final date for qualifying for bonus points shall be considered to be the official closing date specified on the examination announcement.

3.0732

A state employee shall receive additional points for state service at the rate of five (5) points for each year to a maximum of twenty (20) points for four (4) years of state service. Additional points shall be added to the final earned rating for the examination for the classification in which the employee is serving provided the employee satisfies the provisions of 3.073. Points shall be prorated on a quarter year basis at the rate of 1.25 points per quarter.

3.0733

Twelve (12) consecutive months of service in the classification for which the examination is announced shall include time for all paid or unpaid leaves.

3.0734

All examinations in process that have not culminated in an official list prior to July 1, 1985 shall be construed to be affected by the passage of 36-4-31 as amended; and, therefore, all candidates who would be eligible under the law and these rules shall be awarded additional points provided that they meet the requirements outlined above in 3.073, 3.0731, 1.0732 and 3.0733 above.

3.08

HANDICAPPED PERSONS - SPECIAL LIST OF ELIGIBLES

3.081

Whenever the Personnel Administrator shall deem it in the best interest(s) of the state, (s)he may prepare a Handicapped List of eligibles for appointments to position(s) in the Classified Service. Qualifications for inclusion on "Handicapped Lists" shall be subject to the following conditions:

3.0811

Certification by the Division of Vocational Rehabilitation that said individual is a handicapped person unable to compete in a

standard examination for a particular classification.

3.0812

Certification by the Division of Vocational Rehabilitation that said individual is physically able and adequately trained to perform the duties and responsibilities of said classification.

3.0813

Subject individual must meet minimum qualifications for the particular classification as detailed in the class specification.

3.09

COMPLIANCE WITH FEDERAL STANDARDS

3.091

The following provisions are adopted to provide for compliance with the Federal Standards for a Merit System of Personnel Administration by those agencies receiving grants-in-aid under Federal statutes which require application of personnel standards on a merit basis: To the maximum extent possible, lists of eligibles established through open competition will be maintained for those classes where vacancies can be anticipated. Since it may not be possible to fill all vacancies from such lists, the Personnel Administrator will determine, as of June 30 and December 31 each year, the classes in which temporary employees are serving in the federally grant-aided agencies subject to the Federal Merit System Standards. (S)he will conduct an examination during the 6-month period preceding the date the determination was made.

3.092

Discrimination Because of Disability

In accordance with the Americans with Disabilities Act (ADA), the Rhode Island Constitution Article 1, Section 2, and all other federal and state disability rights laws, no state agency shall discriminate against a qualified individual with a disability in regard to employment or exclude such individual from participation in or deny said individual the benefits of the services, programs or activities of said State agency.

Additionally, the State agency shall make a reasonable accommodation to the known disability of a qualified individual, unless the accommodation would impose an "undue hardship" to the State of Rhode Island as defined in the applicable provision of the aforementioned statutes.

3.093

Undue Hardship — Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the State of Rhode Island, when considered in light of the factors set forth below. In determining whether an accommodation

would impose an undue hardship on the State of Rhode Island, factors to be considered include:

- (a) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of general revenue, bond funds and/or other funding;
- (b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
- (c) The overall financial resources of the State of Rhode Island, the overall size of the government of the State of Rhode Island with respect to the number of its employees, and the number, type, and location of its facilities;
- (d) The type of operation or operations of the State of Rhode Island, including the composition, structure, and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the State of Rhode Island.
- (e) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

The determination of undue hardship is to be made by the Governor's Commission on the Handicapped in cooperation with the Agency Director, ADA Coordinators, and/or Office of Personnel Administration.

3.094

Workers' Compensation Claims

The State of Rhode Island shall not discriminate against a qualified individual by reason of such individual having filed a workers' compensation claim at any time nor deny such individual a reasonable accommodation if needed.

3.095

Bar of Claims

The State of Rhode Island shall not use a "Bar of Claims" form or make any inquiry regarding a job applicant's filing of a workers' compensation claim at anytime until a job offer has been made to the applicant.

3.096

REASONABLE ACCOMMODATION RULE

I. STATEMENT OF PURPOSE

It is the policy of the State of Rhode Island to provide reasonable accommodations for qualified persons with disabilities who are

employees or applicants for employment. The State of Rhode Island will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity to qualified persons with disabilities. Reasonable accommodations shall be provided in a timely and cost-effective manner.

II. REQUESTING A REASONABLE ACCOMMODATION

(a) For applicants who are seeking a reasonable accommodation during the interview and selection process, they contact the agency's appointing authority, personnel officer, or ADA Coordinator and explain their need for an accommodation at least five (5) business days prior to the interview or other activity at which they would need the accommodation.

(b) For applicants who have been extended a "conditional offer of employment" by the state, when accepting that offer, shall complete the "Reasonable Accommodation Request" Form (CS-388A) and return it to the appointing authority, or her/his designee who will forward it to the agency's ADA Coordinator.

(c) For current employees (including those collecting workers compensation benefits), they contact their agency's ADA Coordinator and complete the "Reasonable Accommodation Request" Form (CS-388A). The ADA Coordinator may assist the employee complete this form.

III. PROCEDURES FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

State agencies must follow the procedures for determining the appropriate accommodation and implementing that accommodation contained in the State of Rhode Island Personnel Policy Manual.